

USA V2001/0081 US NP

PATENT

REMARKS

Upon entry of the forgoing amendments, claims 1 to 8, 10 to 14, 16 to 20, 22 to 23, 25, and 27 to 28 will be pending in the present patent application. Claims 1 to 7, 11 to 12, and 23 have been amended. Claims 9, 15, 21, 24, 26, and 29 have been canceled with this amendment, without prejudice to their presentation in a later-filed divisional patent application.

In response to the Action, Applicants have amended the claims to overcome the Examiner's objection by removing the non-elected subject matter from the claims according to the Examiner's suggestion. It is respectfully submitted that this amendment narrowing the scope of the claims are not made for the reason of any prior art issues and thus no prejudice should be attached to the patentability of the unclaimed subject matter, over which Applicants reserve the right to pursue patent protection in a timely filed divisional application.

The claims have also been provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view of commonly owned copending application No. 10/183,128 ("the 128 application"). Applicants submit respectively that a terminal disclaimer will be submitted in the 128 application with Applicants Reply to the Office Action dated February 2, 2005. In view of this submission, Applicants submit that the double patenting rejection is now moot.

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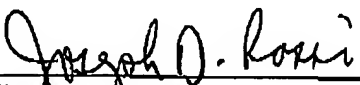
Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the Action of record. Applicants respectfully submit that this application is now in condition for allowance. Accordingly, an indication of allowability and an early Notice of Allowance are respectfully requested.

The Commissioner is hereby authorized to charge the fee required and any additional fees that may be needed to Deposit Account No. 18-1982 in the name of Aventis Pharmaceuticals Inc.

Respectfully submitted,

Dated: June 30, 2005

  
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